

**DECLARATION AND POWER OF ATTORNEY
FOR ORIGINAL U.S. PATENT APPLICATION**

Attorney's Docket No. **FMT1P025**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **A MICROWAVE ABLATION INSTRUMENT WITH FLEXIBLE ANTENNA ASSEMBLY AND METHOD**, the specification of which,

(check one)

1. ☒ is attached hereto.
2. ☐ was filed on _____ as
U.S. Application No. _____
and was amended on _____.
3. ☐ was filed on _____ as
International PCT Application No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, CFR § 1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

_____ (Application No.)	_____ (Country)	_____ (Filing Date)	Priority Benefits Claimed? Yes ___ No ___
----------------------------	--------------------	------------------------	----------------------------------------------

Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

_____ (Application No.)	_____ (Filing Date)
----------------------------	------------------------

Prior U.S. Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

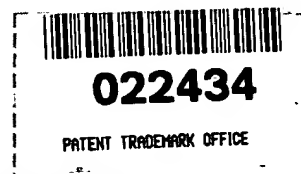
_____ (Application No.)	_____ (Filing Date)	_____ (Status - patented, pending, abandoned)
----------------------------	------------------------	--------------------------------------------------

Power of Attorney

And I hereby appoint the law firm of Beyer & Weaver, LLP and all practitioners who are associated with the Customer Number 022434 as my principal attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Direct Correspondence To:

Customer Number: 022434
BEYER & WEAVER, LLP
P.O. Box 61059
Palo Alto, CA 94306



jc542 U.S. PTO
09/484548
01/18/00

Direct Telephone Calls To:

Michael L. Louie at telephone number (510) 843-6200

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full Name of First

Joint Inventor: JULES GAUTHIER

Citizenship: CANADA

Inventor's signature: *Jules Gauthier*

Date of Signature: 12/20/99

Residence: (City) LAVAL

(State/Country) QUEBEC, CANADA

Post Office Address: 1760 DUMAS, LAVAL, QUEBEC, CANADA H7M 2V5

Full Name of Second

Joint Inventor: DANY BERUBE

Citizenship: CANADA

Inventor's signature: *Dany Berube*

Date of Signature: 12/14/99

Residence: (City) FREMONT

(State/Country) CALIFORNIA/USA

Post Office Address: 39029 GUARDINO DRIVE, APT. #221, FREMONT, CALIFORNIA 94538

Full Name of Third

Joint Inventor: HIEP NGUYEN

Citizenship: UNITED STATES

Inventor's signature: *Hiep Nguyen*

Date of Signature: 12/14/99

Residence: (City) MILPITAS

(State/Country) CALIFORNIA/USA

Post Office Address: 797 HEFLIN STREET, MILPITAS, CALIFORNIA 95035

Applicant/Patentee: Jules Gauthier, Dany Berube and Hiep NguyenApplication or Patent No. Unknown Atty Docket # FMT1P025Filed or Issued: Herewith

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 CFR 1.9(f) and 1.27(c)—SMALL BUSINESS CONCERN

I hereby declare that I am

☐ the owner of the small business concern identified below:☒ an official empowered to act on behalf of the small business concern identified below:NAME OF CONCERN: AFx, Inc.ADDRESS: 47929 Fremont Boulevard, Fremont, California 94538

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 41(a) and (b) of Title 35, U.S. Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled: A MICROWAVE ABLATION INSTRUMENT WITH FLEXIBLE ANTENNA ASSEMBLY AND METHOD, by inventor(s) Jules Gauthier, Dany Berube and Hiep Nguyen, described in

☒ the specification filed herewith.☐ application Serial No. _____ filed _____☐ patent # _____ issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *Note: separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: _____

Address: _____

☐ individual ☐ small business concern ☐ nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: DINESH L. MODYTITLE IN ORGANIZATION: CHIEF EXECUTIVE OFFICER

SIGNATURE

Dinesh L. Mody

DATE

1-17-2000